

In the High Court of Judicature at Madras

Dated: 11.12.2006

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice S.TAMILVANAN

Writ Petition No.47707 of 2006
and M.P.No.1 of 2006

Arunodayam Flat Owners Association
(Regd.),
represented by its Secretary,
Mr.S.Arun Kumar,
Flat No.13/27, Akbarabad 1st Street,
Kodambakkam,
Chennai-600 024. ...Petitioner

..vs..

1. The State of Tamil Nadu,
rep.by its Secretary,
Housing & Urban Development Department,
Fort St.George, Chennai-600 009.
2. The Member-Secretary,
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road,
Chennai.
3. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Park Town,
Chennai-600 003.
4. M/s.Baba Foundations,
Old No.7, New Door No.19,
Akbarabad 1st Street,
Kodambakkam,
Chennai-600 024.

5. The Chairman,
Tamilnadu State Electricity Board,
Anna Salai,
Chennai-600 002.

6. The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai-600 002.

7. R.Ramani ..Respondents

Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in their Letter No.EC3/27391/2002 dated 13.11.2006 for demolition of the petitioner's flats at new door No.27 and 29, old No.12 and 13, Akbarabad 1st Street, Kodambakkam, Chennai-24 and quash the same and direct the 2nd and 3rd respondents to forbear them from interfering with the petitioner's above building in any manner particularly by way of demolition pending final determination of the petitioner's appeal under Section 79 of the Town and Country Planning Act pending with the 1st respondent.

For Petitioner : Mr.P.Wesley Isaac

For Respondents : Mr.K.Elango, Spl.G.P., for R1
Mr.J.Ravindran for R2
Mr.A.Mohammed Gouse for R3

ORDER

(Order of the Court was made by P.SATHASIVAM,J.,)

Aggrieved by the proceedings of the second respondent dated 13.11.2006 for demolition of the petitioner's flats at new door No.27 and 29, old door No.12 and 13, Akbarabad 1st Street, Kodambakkam, Chennai-24, the petitioner Association has filed the above writ petition to quash the same, forbearing respondents 2 and 3 from interfering with petitioner's building in any manner, particularly, by way of demolition, pending final determination of the petitioner's appeal under Section 79 of the Town and Country Planning Act, pending with the 1st respondent.

2. On direction, learned Special Government Pleader takes notice for the 1st respondent.

3. In view of the admitted factual position, namely, against the impugned demolition notice, the petitioner association has also filed an

appeal under Section 79 of the Town and Country Planning Act, 1971, before the 1st respondent (copy of the appeal grounds is available at pages 10 to 12 of the typed set), we are of the view that ends of justice would be met by directing the 1st respondent to consider and dispose of the appeal of the petitioner in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. In view of the fact that the petitioner has filed statutory appeal before the 1st respondent and the impugned order being direction to demolish the building in question, till final order / decision being taken by the 1st respondent, no demolition should be carried out by any of the respondents.

With the above observation, the writ petition is disposed of. No costs. Consequently, M.P.No.1 of 2006 is closed.

gl

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Govt.of Tamil Nadu,
Housing & Urban Development Department,
Fort St.George, Chennai-600 009.
2. The Member-Secretary,
Chennai Metropolitan Development
Authority,
No.1, Gandhi Irwin Road,
Chennai.
3. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Park Town,
Chennai-600 003.
4. The Chairman,
Tamilnadu State Electricity Board,
Anna Salai,
Chennai-600 002.

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5. The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai-600 002.

ONE CC TO MR.P. WESLEY ISAAC, ADVOCATE SR 61174

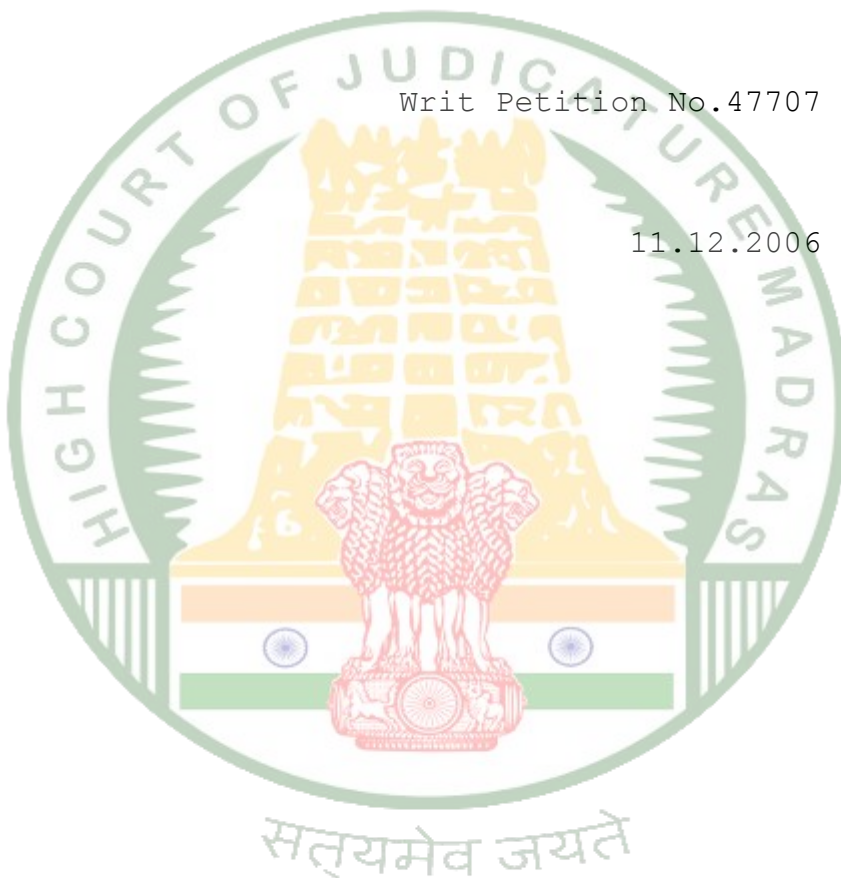
ONE CC TO MR.A. MOHAMED GOUSE, ADVOCATE SR 61474

Writ Petition No.47707 of 2006

JRG (CO)

BP/19.12

11.12.2006



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